

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 09-CR-83

RONALD JOHNSON,

Movant.

DECISION AND ORDER

Ronald Johnson moved for the return of forfeited property under Federal Rule of Criminal Procedure 41(g). The Court denied this motion on the grounds that Johnson needs to file a separate lawsuit and pay the filing fee. *United States v. Stevens*, 500 F.3d 625, 628 (7th Cir. 2007). Johnson moves to reconsider, arguing that the Court should have held an evidentiary hearing to determine whether the government still possesses the property he seeks to recover. *Id.* That inquiry goes to the merits of Johnson's motion. It has no bearing on whether the motion is subject to the Prison Litigation Reform Act in the first instance. *Id.* at 629 ("We add that we have stated previously that a Rule 41(g) motion is a civil action for purposes of the PLRA . . .").

Johnson's motion [ECF No. 55] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 25th day of September, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge